



**City of  
Norfolk**  
Office of the City Manager

C: ACM Stein

October 3, 2006

To the Honorable Council  
City of Norfolk, Virginia

Re: Adult Use Special Exception – 2514  
Granby Street.

Ladies and Gentlemen:

**I. Recommended Action:**

The attached ordinance approves the request should it be the desire of the City Council.

**II. Overview**

This agenda item is to permit an Adult Use Special Exception on premises located at 2514 Granby Street.

**III. Analysis**

**A. General**

The applicant is requesting to sell beer and wine for off-premises consumption. The leaser of the building is operating a beauty salon in the northern portion of the building and is proposing to sublease the remainder of the building for the wine, beer and tobacco center.

The proposed hours of operation for the sale of alcoholic beverages are from 10:00 a.m. until 8:30 p.m., Monday through Saturday and closed on Sunday.

The site is located in a C-2 (Corridor Commercial) district which is oriented along the east side of Granby Street. To the south of this site Granby Street is developed with a mix of commercial and industrial uses including contractors' offices, antique stores, a book store, restaurants, light manufacturing.

**B. Fiscal  
N/A**

C. Environmental

Upon review of the Department of Planning, it was determined that there will be no negative environmental impact to this site or any adjacent properties.

D. Community Outreach/Notification

Public notification for this item was conducted through the City of Norfolk's agenda notification process.

IV. Board/Commission Action

**By a 6 to 0 vote**, the Planning Commission recommends that this adult use special exception to operate an establishment for the sale of alcoholic beverages for off-premise consumption be **denied**. Although the State Alcoholic Beverage Commission requires a certain percentage of food be sold, the proposed floor plan indicates that the majority of the sales will be alcohol or tobacco related.

The establishment of a convenience store selling alcoholic beverages for off-premises consumption would negatively impact the Park Place residential neighborhood located directly to the northwest. Denial of this application would not prohibit the convenience store from operating and would only prohibit alcoholic beverage sales. Should approval be considered, the special exception should be subject to the additional following conditions:

- 1) The hours of operation shall be from 10:00 a.m. until 8:30 p.m., Monday through Saturday and closed on Sunday.
- 2) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- 3) This Special Exception shall automatically expire upon a change of ownership of the property, a change in possession, or a change in the operation or management of the facility.
- 4) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.



- 5) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

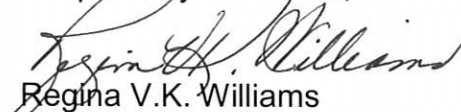
The City Council, in considering these conditions, must also determine that the proposed Special Exception complies with each of the requirements of Section 25-7 of the Zoning Ordinance of the City of Norfolk. The requirements address compatibility with the objectives and policies of The General Plan of Norfolk, assurance against a negative impact on the value of other properties within the neighborhood, traffic congestion, impact on natural resources (water and air quality) and other conditions as noted in the attached ordinance.

It should be noted that violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

#### **V. Conclusion**

The Planning Commission recommended denial of this application; however, the attached ordinance approves the request should it be the desire of the City Council.


Respectfully submitted,

  
Regina V.K. Williams  
City Manager

#### **Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

9/14/06 trr

Form and Correctness Approved: 

Contents Approved:

By   
Office of the City Attorney

NORFOLK, VIRGINIA

By   
DEPT.**ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON PROPERTY LOCATED AT 2514 GRANBY STREET, UNIT C.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Ike Iwejor authorizing the sale of alcoholic beverages for off-premises consumption on property located at 2514 Granby Street, unit C. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 100 feet, more or less, along the southern line of East 26<sup>th</sup> Street and 52 feet, more or less, along the eastern line of Granby Street; premises numbered 2514 Granby Street, unit C.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation shall be from 10:00 a.m. until 8:30 p.m., Monday through Saturday and closed on Sunday.
- (b) This special exception shall automatically expire upon a change in ownership of the property, a change in possession, or a change in the operation or management of the facility.
- (c) No wine having more than 21% alcohol by volume shall be sold.
- (d) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth

in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (e) Any requirements, limitations, or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such requirement, limitation, or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (f) A copy of this Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby makes the following findings of fact:

- (a) That the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- (b) That the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- (c) That the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- (d) That all applicable regulations of the zoning ordinance and special conditions attached to this special exception will be observed.

Section 4:- That the City Council hereby waives the locational provisions for adult uses as set forth in Section 25-10.1 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 5:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies

with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 6:- Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

Section 7:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT  
Exhibit A (3 pages)





# City of Norfolk

## EXHIBIT "A" Description of Operations Off-Premise Sale Of Alcoholic Beverage

Date of Application: 7-6-06

Name of business: QUEEN'S WINE, BEER & TOBACCO CTR

Address of business: 2514 HC GRANBY ST, NORFOLK VA 23517

Name(s) of business owner(s): IKE C IWEJOR

Name(s) of property owner(s): TONY R. LANKFORD

Name(s) of business manager(s)/operator(s): IKE C IWEJOR

Daytime telephone number (757): 237-3227

1. Type of alcoholic beverage applied for:  
☒ Beer ☒ Wine ☐ Mixed Beverage
2. Alcoholic beverages to be sold:  
☒ Room temperature ☒ Refrigerated
3. List the liquid content size of all alcoholic beverages that will be sold at this location (i.e. 6 oz; 12 oz; 32 oz; etc.):  
12 ounce 32 ounce 40 ounce  
\_\_\_\_ ounce \_\_\_\_\_ ounce
4. Will alcoholic beverages be sold in single cans/bottles or by carton/case?  
~~Single bottles~~, 6 Packs, Cartons

Iwejor, Ike C  
Signature of applicant/owner

(TNA Investments)

2. Name of property owner: (Last) Lampford (MI) R. (First) Tony

Mailing address of property owner (Street/P.O. box): 2514 Granby ST

(City) Norfolk (State) VA (Zip Code) 23517

Daytime telephone number of owner (757) 237-7049 Fax number ( ) \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: \_\_\_\_\_

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing all existing and proposed building structures, driveways, parking, landscaping, property lines (\*see attached example).
- ✓ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (\*see attached example).
- ✓ Completed Exhibit A, Description of Operations.
- ✓ Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED: TNA Investment / Tony R. Lampford 7/5/06  
(Property owner or authorized agent signature) (Date)

SIGNED: Superior, LLC 7/10/06  
(Applicant signature) (Date)

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

# QUEEN'S WINE, BEER & TOBACCO CTR, FLOOR PLAN.

← MOUNT ENTRANCE  
Door  
OTHERS

EXHIBIT A  
(Page 3 of 3)

FOOD TRIMS

WINE  
RACK

WINE  
RACK

WINE  
RACK

WINE  
RACKS

FOOD TRIMS

FOOD TRIMS

FOOD TRIMS

FOOD TRIMS

WINE  
RACK

CIGARS  
SHELF

CIGARETTE  
SHELF

ADDITIONAL  
TOBACCO  
SHELF.

TOILET  
AREA.

CASHIER  
COUNTER  
SPACE

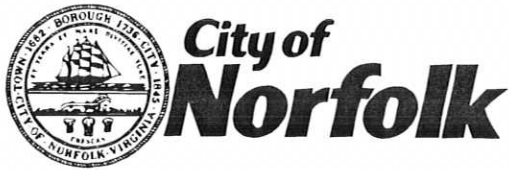
Office  
space

Storage Area

SODA  
COOLER

SODA COOLER

BEER COOLER



Inter Department Correspondence Sheet

TO: City Manger

FROM: City Planning Commission

COPIES TO:

SUBJECT: Application for Adult Use Special Exception (8 P.H. 24 Aug 2006)

**PART 1: APPLICATION DESCRIPTION:**

Nature of Application:

**Adult Special Exception:** To operate an establishment for the sale of alcoholic beverages for off-premises consumption

Location: 2514 Granby Street (Maps 1 and 2).

Applicant: Queen's Wine, Beer and Tobacco Center

Property Owner: TEA Investments Inc.

Description of proposed use:

The applicant is requesting to sell beer and wine for off-premises consumption. The leaser of the building is operating a beauty salon in the northern portion of the building and is proposing to sublease the remainder of the building for the wine, beer and tobacco center.

The proposed hours of operation for the sale of alcoholic beverages are from 10:00 a.m. until 8:30 p.m., Monday through Saturday and closed on Sunday.

Description of existing land use pattern:

The site is located in a C-2 (Corridor Commercial) district which is oriented along the east side of Granby Street. To the south of this site Granby Street is developed with a mix of commercial and industrial uses including contractors' offices, antique stores, a book store, restaurants, light manufacturing.



The site sits on the northeastern boundary of the Park Place neighborhood which is developed with a mix of residential uses.

## **PART 2: ANALYSIS/EVALUATION:**

### **Prior Zoning History:**

The Planning Commission has recently considered the following relevant applications in this area:

- 1) 2005: A request by Royal MiniMart to operate and establishment for the sale of alcoholic beverages for off-premises consumption on property located at Colley Avenue. The request was denied by both the Commission and City Council.

### **Neighborhood Impact:**

The site is located in the Park Place neighborhood which has improved significantly in the last several years, however, there remains a fragile balance between residential and commercial uses. Recently there have been efforts by the Norfolk Redevelopment and Housing Authority and private developers to improve this area. The establishment of a convenience store selling alcoholic beverages for off-premises consumption would negatively impact the surrounding residential neighborhood.

### **General Plan Impact:**

The General Plan designates the area as commercial/office. This proposal would be considered to be in conformance with the General Plan.

### **Zoning Impact:**

This application is for a special exception, which acknowledges that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location and, if so, under what conditions.

The application for an establishment for the sale of alcoholic beverages for off-premises consumption which requires an adult use special exception, to which particular locational standards (described in Subsection 25-10.1) dealing with the concentration of similar facilities and the proximity to residential districts apply. Granting the request could require the waiver of these standards. Three waivers are needed for this application.

The waivers may be granted by City Council if all four of the following findings are made:

- 1) that the proposed use will not be contrary to the public interest or be injurious to nearby properties, and that the spirit and intent of the zoning ordinance will be observed;
- 2) that the establishment of an additional adult use in the area will not conflict with any Council adopted objectives, plans or programs for the area;
- 3) that the establishment of an additional adult use will not be contrary or detrimental to any program of neighborhood conservation or renewal in adjacent residential areas; and
- 4) that all applicable regulations of the zoning ordinance and special conditions attached to special exception will be observed.

As shown on Map 1, the site is located in a C-2 (Corridor Commercial) district which is developed with conforming uses. This use will have to observe the general conditions for special exceptions contained in Section 25-9 of the Zoning Ordinance and the special standards relating to adult uses contained in Subsection 25-10.1.

### **PART 3: RECOMMENDATION:**

The Planning Commission recommends (by a 6 to 0 vote) that this adult use special exception to operate an establishment for the sale of alcoholic beverages for off-premise consumption be denied. Although the State Alcoholic Beverage Commission requires a certain percentage of food be sold, the proposed floor plan indicates that the majority of the sales will be alcohol or tobacco related.

The establishment of a convenience store selling alcoholic beverages for off-premises consumption would negatively impact the Park Place residential neighborhood located directly to the northwest. Denial of this application would not prohibit the convenience store from operating and would only prohibit alcoholic beverage sales. Should approval be considered, the special exception should be subject to the additional following conditions:

- 1) The hours of operation shall be from 10:00 a.m. until 8:30 p.m., Monday through Saturday and closed on Sunday.
- 2) No alcoholic beverage having more than 21% alcohol by volume shall be sold.

- 3) This Special Exception shall automatically expire upon a change of ownership of the property, a change in possession, or a change in the operation or management of the facility.
- 4) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- 5) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.
- 6) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- 7) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- 8) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- 9) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- 10) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 11) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- 12) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- 13) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- 14) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- 15) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- 16) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.
- 17) Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

**MAPS:**

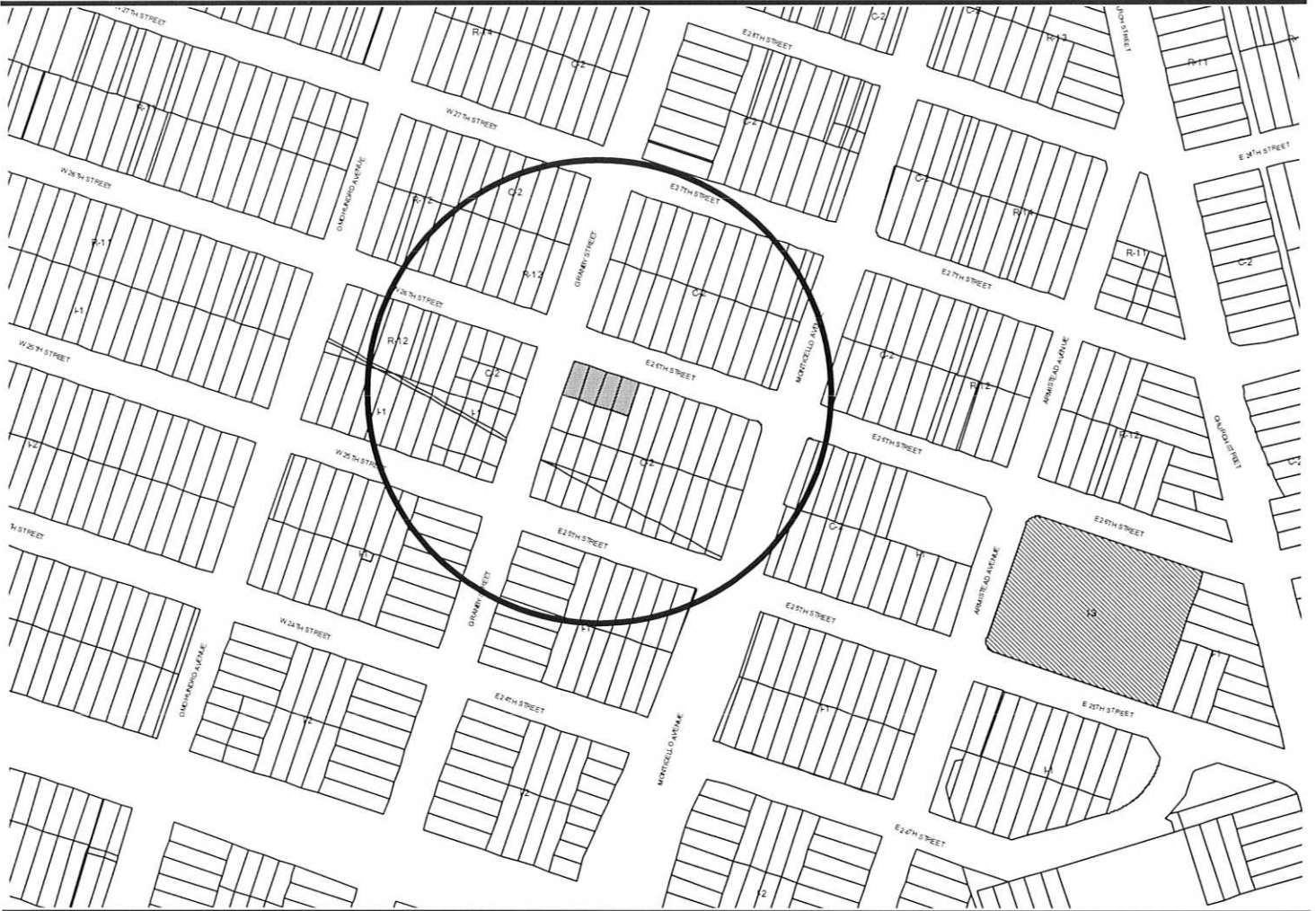
1. Location and Zoning
2. Site
3. Floor Plan
4. Adult Use Waivers Needed



# 1. LOCATION AND ZONING

## PROPOSED ADULT USE SPECIAL EXCEPTION

**QUEEN'S WINE, BEER & TOBACCO CENTER  
BY IKE IWEJOR  
2514 Granby Street**



Planning Commission Public Hearing

August 24, 2006

Application 8



Location



## 2. SITE

PROPOSED ADULT USE SPECIAL EXCEPTION

**QUEEN'S WINE, BEER & TOBAACCO CENTER  
BY IKE IWEJOR  
2514 Granby Street**



Planning Commission Public Hearing

August 24, 2006

Application 8

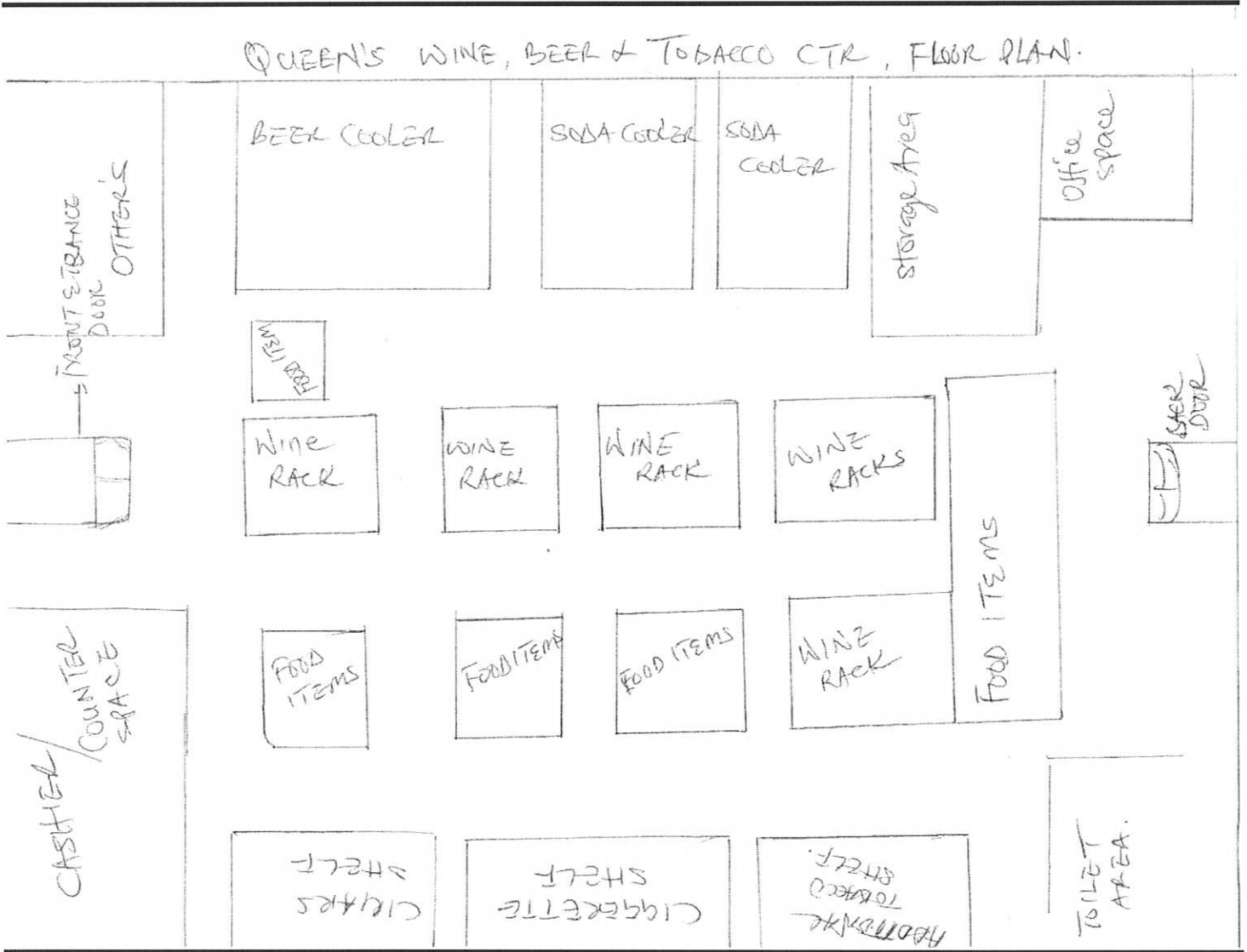


Location

3. FLOOR PLAN

PROPOSED ADULT USE SPECIAL EXCEPTION

QUEEN'S WINE, BEER & TOBACCO CENTER  
BY IKE IWEJOR  
2514 Granby Street



Planning Commission Public Hearing

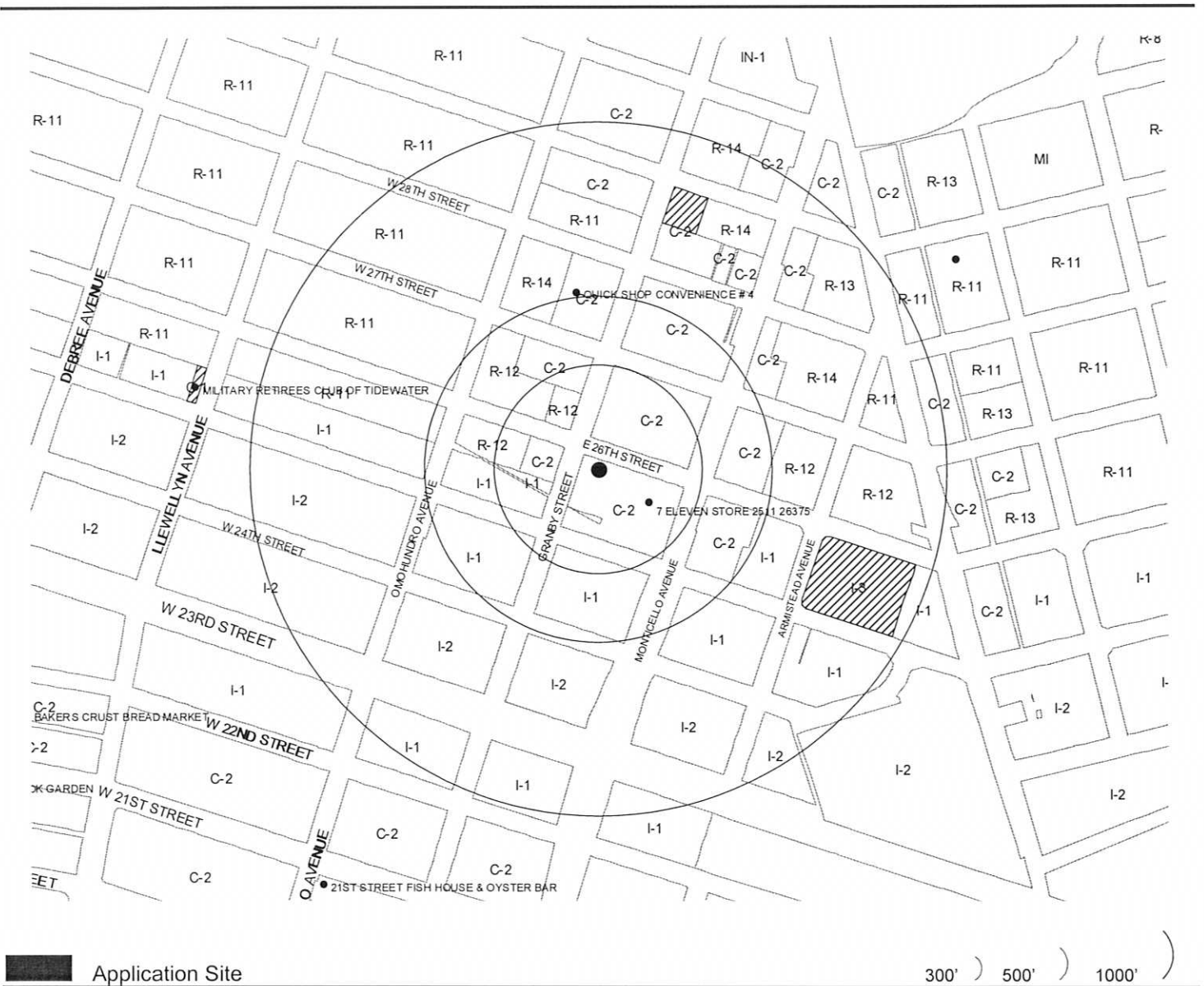
August 24, 2006

Application 8

# 4. ADULT USE WAIVERS NEEDED

## PROPOSED ADULT SPECIAL EXCEPTION

### QUEEN'S WINE, BEER & TOBACCO CENTER BY IKE IWEJOR 2514 Granby Street



Planning Commission Public Hearing  
August 24, 2006 Application 8



1. Other adult uses within 1000 feet

☐ No ☒ Yes

☒ Waiver required (if two or more)

3. Residential zone boundary within 300

feet of the establishments required parking.

☒ No ☐ Yes (waiver required)

2. Residential zone district boundary

within 500 feet of establishment.

☐ No ☒ Yes (waiver required)